

Message Text

CONFIDENTIAL

PAGE 01 BRUSSE 08641 251208Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 ACDA-07 TRSE-00 OMB-01 IO-13 /080 W
-----064472 251419Z /47

R 251141Z JUL 77
FM AMEMBASSY BRUSSELS
TO USMISSION USBERLIN
INFO SECSTATE WASHDC 1018
AMEMBASSY BERLIN
AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L BRUSSELS 08641

USEEC

E.O. 11652: GDS
TAGS: PGOV, EEC, FR, GW, UK, US, WB
SUBJ: EC COURT DECISIONS CONCERNING BERLIN

REF: US BERLIN 1829

1. MISSION OFFICER HAS DISCUSSED EUROPEAN COURT OF
JUSTICE DECISION CONCERNING COMPETENCE OF BERLIN FINANCE
COURT (REFTEL) WITH UK PERM REP LEGAL ADVISER (WATTS),
WHO HAD HIMSELF BEEN QUERIED BY UK MISSION BERLIN ON
THIS CASE. WATTS SAID THAT HE HAD MADE A QUICK REVIEW
OF THE INDEX OF COURT DECISIONS SINCE 1971 AND HAD
FOUND SEVEN OTHER COURT CASES INVOLVING BERLIN. NONE
OF THESE CASES INVOLVED ANY DISCUSSION OR COURT COMMENT
ON THE POLITICAL SIGNIFICANCE OF THE BERLIN ANGLE, THE
COURT SIMPLY DECIDING, IN EACH INSTANCE, ON THE LEGAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BRUSSE 08641 251208Z

QUESTION UNDER CONSIDERATION. WATTS SAID HE PLANNED
TO INFORM THE UK MISSION IN BERLIN THAT THIS LATEST
COURT CASE MARKS NO REPEAT NO NEW DEPARTURES IN THE
EC/BERLIN RELATIONSHIP. HE SAID HE WOULD RECOMMEND
THAT ANY RESPONSE TO A SOVIET PROTEST OR INQUIRY BE
BASED ON THE FACT THAT THIS CASE DOES NOT REPRESENT
ANY CHANGE IN BERLIN'S STATUS SINCE THE SIGNATURE OF

THE QUADRIPARTITE AGREEMENT, CITING THE PRECEDENT OF PREVIOUS CASES DATING BACK TO 1971.

2. WATTS PROVIDED MISSION OFFICER WITH COPY OF FRENCH TEXT OF LATEST COURT DECISION RELATING TO THE BERLIN FINANCE COURT (CASE NO. 118/76: BALKAN-IMPORT-EXPORT GMBH V. HAUPTZOLLAMT BERLIN-PACKHOF; JUDGEMENT DELIVERED 6/28/77), WHICH WE ARE POUCHING TO USBERLIN. HE INDICATED HE WILL BE FORWARDING ENGLISH AND GERMAN TEXTS TO UK MISSION BERLIN AS SOON AS THEY ARE AVAILABLE AND SUGGESTED THAT USBERLIN MIGHT WISH TO OBTAIN COPIES FROM THAT SOURCE. WATTS ALSO PROVIDED FOLLOWING LIST OF SEVEN PRIOR CASES HE HAS IDENTIFIED:

CASE 103/75 ALUICH V. BUNDESVERSICHERUNGSANSTALT FUR ANGESTELLTE (REFERENCE BY LANDESSOZIALGERICHT BERLIN):E.C.R. 1976, P. 697.

CASE 55/75 BALKAN-IMPORT EXPORT GMBH V. HAUPTZOLLAMT BERLIN-PACKHOF (REFERENCE BY FINANZGERICHT BERLIN); E.C.R. 1976, P. 19.

CASE 37/75 BAGUSAT KG V. HAUPTZOLLAMT BERLIN-CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BRUSSE 08641 251208Z

PACKHOF (REFERENCE BY FINANZGERICHT BERLIN); E.C.R., 1975, 1339.

CASE 35/75 MATISA-MASCHINEN -GMBH V. HAUPTZOLLAMT BERLIN-PACKHOF (REFERENCE BY FINANZGERICHT BERLIN); E.C.R., 1975, P. 1205.

CASE 147/73 CARLHEINZ LENSING KAFFEE-TEE-IMPORT KG V. HAUPTZOLLAMT BERLIN-PACKHOF (REFERENCE BY FINANZGERICHT BERLIN); E.C.R., 1973, P. 1543.

CASE 5/73 BALKAN-IMPORT-EXPORT GMBH V. HAUPTZOLLAMT BERLIN-PACKHOF (REFERENCE BY FINANZGERICHT BERLIN); E.C.R. 1973, P. 1091.

CASE 3/71 GEBRUDER BAGUSAT V HAUPTZOLLAMT BERLIN-PACKHOF (REFERENCE BY FINANZGERICHT BERLIN); E.C.R., 1971, P. 577.

MISSION WILL ENDEAVOR TO OBTAIN COPIES OF THESE DECISIONS IN ENGLISH, FRENCH, AND GERMAN FOR FORWARDING

TO US BERLIN.HINTON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, CUSTOMS DUTIES, COURT DECISIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BRUSSE08641
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770264-0826
Format: TEL
From: BRUSSELS USEEC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770724/aaaaauoe.tel
Line Count: 117
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 73d78264-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1763985
Secure: OPEN
Status: NATIVE
Subject: EC COURT DECISIONS CONCERNING BERLIN
TAGS: PGOV, FR, GE, UK, US, WB, EEC
To: USBERLIN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/73d78264-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009